**S.B. CIVIL MISC. APPEAL NO.962/2007.**
(Ramchandra & Anr. Vs. Shabuddin & Ors.)

Date of Order :: 28th March 2007.

**HON'BLE MR. JUSTICE DINESH MAHESHWARI**

Mr. Madan Lal Purohit, for the appellants.

…

For quantification of compensation to be awarded to the parents of about 16 years old vehicular accident victim Vikas, said to be a brilliant student of 8th Standard and assisting his father on his shop leading to additional income of Rs.5,000/- per month, the Tribunal has observed that no documentary evidence was produced either in relation to the studies of the deceased or about such income assertion; and has taken his notional income at Rs.15,000/- per annum and with application of multiplier of 13 whereupon, has assessed pecuniary loss at Rs.1,95,000/-. The Tribunal has further allowed Rs.20,000/- towards non-pecuniary loss, Rs.2,000/- towards funeral expenses and Rs.1,000/- towards transportation and in this manner has awarded compensation in the sum of Rs.2,18,000/-; and after deducting Rs.50,000/- received under No Fault Liability, has allowed interest @ 6% per annum on the remaining amount from the date of filing of the claim application. The claimants seek enhancement by way of this appeal.

Learned counsel for the appellants has strenuously contended that the Tribunal has been in error in not

considering the settled position of law that for such victim, compensation minimum in the sum of Rs.2,25,000/- deserves to be allowed and has referred to the decision of this Court in the case of Gulab Singh & Anr. Vs. Shiv Prasad & Ors.: MACD 2006 (1) (Raj.) 187. Learned counsel also submitted that the Tribunal has erroneously applied a multiplier of 13 and in view of the age of the claimants below 45 years, the multiplier of 15 minimum ought to have been applied; and that in the present case with the evidence on the victim helping his father in the business, the assessment of pecuniary loss has been on the lower side.

Having given a thoughtful consideration to the submissions made on behalf of the appellants and having examined the award impugned in its totality, this Court is clearly of opinion that the ultimate amount awarded by the Tribunal in the present case cannot be said to be too low or insufficient so as to warrant interference in appeal at the instance of the claimants.

The observations as made in Gulab Singh's case (supra) cannot be considered to be laying down a rule of universal application that in every case relating to the child victim, a sum of Rs.2,25,000/- is required to be allowed as compensation. As observed by the Tribunal, no cogent and reliable evidence is available on record in relation to the studies of the victim or in relation to his income. Moreover, in the present case, the Tribunal has taken rather compassionate

view of the matter and while putting the notional income of the victim at Rs.15,000/- per annum, has taken entire of such notional income towards loss of contribution for the claimants.

Application of multiplier of 13 might appear standing wee bit on the lower side in view of the age of the parents in the group of 40-45 years but when viewed in the context of other errors committed by the Tribunal, the resultant amount of award cannot be said to have fallen on the lower side. The entire of the notional income could not have been taken towards loss of contribution; and no other facts or factors appear on record for which such amount at Rs. 15,000/- was required to be taken towards loss of economic dependency. Then, looking to the future certainties and uncertainties, the aspect of the victim ultimately getting married and thereby a larger part of his income being diverted to his own family could not have been ignored altogether.

In the aforesaid view of matter, and in the ultimate analysis, the award of compensation as made by the Tribunal in the present case in the sum of Rs.2,18,000/- cannot be said to be low or inadequate from any stand point; and rules out any scope for enhancement.

The appeal fails and is, therefore, dismissed summarily.

**(DINESH MAHESHWARI), J.**

Mohan/